



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

**SUBJECT: DOWNTOWN PROACTIVE
CODE ENFORCEMENT RESOURCES**

DATE: May 23, 2008

Approved

Date

5-23-08

BACKGROUND

At the Neighborhood Services CSA Budget Study Session on May 9, 2008, Mayor Reed requested information on the costs associated with implementing a proactive approach effort by Code Enforcement, in coordination with the Police and Fire Departments, to ensure that nightclubs and bars are in compliance with existing Conditional Use Permit requirements and to respond to potential public nuisance complaints from businesses and nearby residents. The purpose of this memorandum is to provide the information requested.

There are currently in excess of 40 nightclubs and bars located in the downtown core. Conditional Use Permits, Entertainment Permits or other Zoning provisions govern how these businesses operate, i.e., hours of operation, customer capacity, entertainment, parking and other operational conditions that may impact surrounding neighborhoods and businesses. The Code Enforcement Division is generally viewed as the responsible enforcement agency for ensuring compliance with the permit conditions as defined and described in the Conditional Use Permit or by the Zoning Ordinance. The Police Department issues Entertainment Permits and has generally assumed primary enforcement responsibility for those permits. In addition, these efforts are supported by the Fire Department who conducts inspections to ensure compliance with occupancy loads.

The Code Enforcement Division's proactive efforts in the downtown are currently very limited. The Redevelopment Agency funds 1.0 FTE to provide proactive enforcement services in the downtown core and in the eight neighborhood business districts. This Code Enforcement Inspector proactively addresses predominately blight issues, such as graffiti, illegal signs and news racks.

ANALYSIS

The Code Enforcement Division does not currently provide proactive enforcement resources in response to Conditional Use Permit violations involving downtown nightclubs and/or bars in the evening/early morning hours due to staffing limitations. This enhanced Code Enforcement service, funded by the Redevelopment Agency, would use existing staff on an overtime basis and, therefore, will not impact current Code Enforcement services Citywide.

The estimated cost to expand Code Enforcement Division services on a proactive basis to review current Conditional Use Permit conditions for the nightclubs and bars located in the downtown, perform unannounced inspections and to enforce violations would be \$28,857 per year.

The Code Enforcement Division proposes to perform the following tasks:

- Research and obtain all relevant permits and licenses including but not limited to Conditional Use Permits, Entertainment Permits and Department of Alcoholic Beverage Control licenses;
- Quarterly proactive inspection of all nightclubs in the downtown area to ensure compliance with Conditional Use Permit conditions;
- Proactive education and outreach to the property owners and business owners;
- Respond to complaints from the Police Department or neighboring residents regarding suspected violations of the nightclub's Conditional Use Permit;
- Open cases and generate notices, warning letters, citations, etc;
- Coordinate efforts of the Code Enforcement Division with the Police Department, Fire Department, Redevelopment Agency, and the Department of Alcoholic Beverage Control.

Prior to the commencement of the code enforcement efforts, the Department of Planning, Building and Code Enforcement and Redevelopment Agency staff will implement an outreach and education program for property and business owners to educate them about the compliance requirements for the different permits.

EFFECTIVE DATE

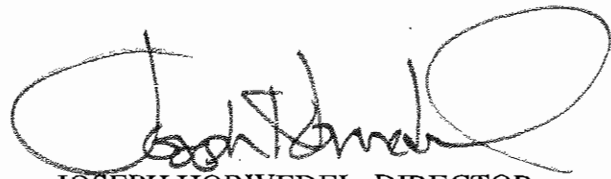
If the City Council chooses to fund this effort, Code Enforcement can begin implementation of the outlined tasks in September 2008.

CONCLUSION

The Code Enforcement Division, in partnership with the Redevelopment Agency, Police Department and Fire Department, is committed to ensuring that businesses thrive in the downtown without creating an adverse impact on neighboring properties or operate in such a manner that creates a public nuisance. Proactive enforcement in the downtown core will ensure compliance with existing permitting requirements and other regulatory requirements.

COORDINATION

This MBA has been coordinated with the Police Department, Fire Department and the Redevelopment Agency.

A handwritten signature in black ink, appearing to read "Joseph Horwedel", is written over a large, loopy circular flourish.

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement